

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : David STERN et al.

Group Art Unit: 2857

Appln. No. : 10/828,613

Examiner: Unknown

Filed : April 21, 2004

For : METHODS AND APPARATUS FOR DETECTION OF  
FLUORESCENTLY LABELED MATERIALS

**EXPRESS ABANDONMENT UNDER 37 C.F.R. 1.138**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Express Abandonment  
Randolph Building  
401 Dulany Street  
Alexandria VA 22314

Sir:

Applicants hereby expressly abandon the present U.S. Application No. 10/828,613 as of the filing date of this paper, but not the invention thereof, in favor of copending U.S. Application No. 11/320,826, which is a continuation of the present application.

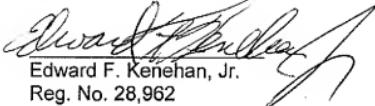
In the present application, applicants have suggested that an interference be declared with the Yakhini U.S. Patent No. 6,768,820. Subsequent to making this suggestion, applicants filed a first Information Disclosure Statement (IDS) on May 10, 2006 and a second Information Disclosure Statement (IDS) on July 21, 2006. According to the image file wrapper of the present application, these Information Disclosure Statements have not been taken up for consideration.

The present application is being abandoned in favor of continuation U.S. Application No. 11/320,826, in order to facilitate consideration of these Information Disclosure Statements, before an interference is declared.

In the event that this request for express abandonment is not considered and accepted prior to an interference being declared in the present application, this paper should not be construed as a request for adverse judgment or an abandonment of contest or a concession of priority pursuant to 37 CFR 41.127.

Should there be any questions regarding this paper, or this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted  
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August 18, 2006  
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